

1. INTERNATIONAL ACTIVITIES

A. International Maritime Organization (IMO), London Convention (LC)

The 24th Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter (London Convention or LC) was held at IMO Headquarters in London from November 11-15, 2002. Representatives of 32 of the 78 contracting parties to the LC attended the LC 24 meeting. A representative of Hong Kong, an associate member of the IMO, also attended, as did delegates from 9 states not party to the LC. In addition, representatives from the International Atomic Energy Agency (IAEA) and the Environmental Crime Prevention Program (ECPP) and observers from 6 non-governmental organizations were in attendance. The United States was represented the Department of State, the Environmental Protection Agency, the Army Corps of Engineers, the Department of the Navy, and the Department of Energy.

LC 24 agenda items included the following: (1) status of the LC and the 1996 LC Protocol; (2) compliance issues; (3) administrative and financial arrangements; (4) preparation for the entry into force of the 1996 LC Protocol; (5) consideration of the report of the LC Scientific Group; (6) review of the conclusions of the World Summit on Sustainable Development; (7) interpretation of the LC; (8) technical cooperation and assistance; (9) outreach to prospective new contracting parties; (10) matters related to the management of radioactive wastes; and (11) monitoring for the purposes of the LC.

Significant actions taken at LC 24 include, but are limited to, the following:

1. The IMO secretariat reported that 78 governments have ratified or acceded to the LC, and 16 governments have ratified or acceded to the 1996 LC Protocol. Delegations from a number of nations provided updates on the status of movement towards ratification of the 1996 LC Protocol. The U.S. delegation stated that the United States expects to complete its internal analyses within a year and then submit the Protocol to the U.S. Senate for advice and consent to ratification. The meeting also discussed various ways in which the secretariat and contracting parties could assist in the ratification/accession process.
2. An ad hoc working group on compliance, chaired by Canada, developed a questionnaire for governments relating to compliance procedures and mechanisms under the 1996 LC Protocol. Countries were asked to submit to the IMO secretariat responses to the questions posed in the questionnaire by April 30, 2003. A correspondence group will collate and synthesize the responses and prepare a report for the 25th Consultative Meeting (LC 25). In addition, a drafting group, convened under the lead of the United States, finalized a draft reporting form concerning reporting procedures of observed dumping incidents that may be in contravention of international ocean dumping treaties. The meeting approved this draft reporting form and requested the IMO secretariat to forward it to the IMO Marine Environment Protection Committee (MEPC) for comment before final adoption and dissemination.

3. Concerning administrative and financial arrangements, the secretariat outlined the level and limitations of the budget and resources provided by the IMO Marine Environment Division (MED) to the LC. IMO supports the activities of the LC, in particular the Consultative Meeting, the Scientific Group, and intersessional work by mobilizing existing MED human resources. A new post of program coordination officer has been established that will provide roughly 50% of its time and workload to LC issues. The meeting endorsed three recommendations of the joint intersessional IMO/LC working group, and agreed to the working group's suggestion that the LC would be well served by defining for the IMO specific services it expects from the IMO.
4. The meeting considered the report of the LC Scientific Group (SG) and took the following actions: (a) approved the guidelines for the sampling of sediment intended for disposal at sea, which had been drafted by the United States and Canada; (b) approved a shorter dumping report form drafted by the SG that was developed as a way to simplify reporting requirements and increase reporting by contracting parties; (c) approved the SG's proposal to prepare guidance for the development of action levels regarding dumping, the drafting of which the United States will lead intersessionally; (d) requested the SG to develop criteria for assigning wastes to one of eight categories in the 1996 LC Protocol's "reverse list" of approved materials for dumping, as well as in the list of exemptions from industrial waste; and (e) gave the SG the mandate to review the existing waste assessment guidelines for inert geological material in view of the apparent confusion over what constitutes "inert" material.
5. The meeting recalled that at its last gathering a report was prepared for the World Summit on Sustainable Development (WSSD) that described the achievements of the LC and plans for its future implementation. The meeting also noted that several paragraphs of the WSSD Plan of Implementation, adopted in September 2002 in Johannesburg, applied to the LC. The meeting requested the IMO secretariat to: (a) monitor the post-WSSD activities; (b) provide a report to the LC 25 meeting; and (c) inform other United Nations agencies and regional bodies of the LC's willingness to collaborate on the promotion of effective control of all sources of marine pollution, as well as on the early ratification of or accession to the 1996 LC Protocol.

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B. International Maritime Organization (IMO), Maritime Safety Committee (MSC)

The 76th session of the Maritime Safety Committee (MSC 76) was held at IMO Headquarters in London from December 2-13, 2002. Participants included 102 member nations, 2 associate members, 4 United Nations specialized agencies, 7 intergovernmental organizations, and 42 non-governmental organizations. The United States was represented by the Coast Guard with the assistance of the Department of State, the Department of Defense, the Transportation Security Administration, the Customs Service, and a number of private sector advisers and Congressional

staff observers. Rear Admiral Paul Pluta, U.S. Coast Guard Assistant Commandant for Maritime Safety, Security, and Environmental Protection, headed the U.S. delegation.

MSC 76 agenda items included the following: (1) consideration and adoption of amendments to mandatory instruments; (2) measures to enhance maritime security; (3) bulk carrier safety; (4) large passenger ship safety; (5) implementation of the revised International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention); (6) report of the 45th session of the Subcommittee on Ship Design and Equipment (DE 45); (7) report of the 10th session of the Subcommittee on Flag State Implementation (FSI 10); (8) report of the 7th session of the Subcommittee on Bulk Liquids and Gases (BLG 7); (9) report of the 48th session of the Subcommittee on Safety of Navigation (NAV 48); (10) report of the 45th session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF 45); (11) urgent matters emanating from the 7th session of the Subcommittee on Dangerous Goods, Solid Cargoes and Containers (DSC 7); (12) technical assistance program on maritime safety; (13) role of the human element; (14) piracy and armed robbery against ships; and (15) implementation of instruments and related matters.

Among significant actions taken at MSC 76 are the following:

1. The MSC reached agreement on a number of key issues regarding the amendments on maritime security to the International Convention for the Safety of Life at Sea (SOLAS Convention) and regarding the new International Ship and Port Facility Security (ISPS) Code, leaving only a few outstanding issues to be resolved at the concurrently meeting International Conference on Maritime Security. It was agreed to convene a working group on maritime security at MSC 77 to consider the outcome of the diplomatic conference.
2. The Committee unanimously adopted amendments to the SOLAS Convention, as well as minor amendments to the Irradiated Nuclear Fuel (INF) Code). The SOLAS amendments addressed such matters as access to cargo spaces and associated technical specifications, fire protection for the carriage of dangerous goods, radar transponders for liferafts on ro/ro passenger ships, and water level detectors for bulk carriers.
3. The MSC approved amendments to the 1988 Protocol relating to the International Convention on Load Lines (LL Protocol) regarding hatch covers, minimum bow height, and reserve buoyancy to improve bulk carrier safety. These amendments will be considered for adoption at MSC 77. The Committee also approved a list of measures for additional improvement of bulk carrier safety and instructed the DE, DSC, NAV, and SLF Subcommittees to consider the measures. Some of these measures include double hull construction, improved loading/stability information, and protection of fore deck fittings.
4. The Committee discussed a number of proposals on how to address the issue of treatment of persons rescued at sea. A number of delegates shared the U.S. view that any solution to this issue must take into account the impact the solution would have on a nation's policies to prevent illegal immigration. The Subcommittee on Radiocommunications and Search and Rescue (COMSAR) was instructed to develop amendments to the SOLAS Convention and the International Convention on Maritime Search and Rescue (SAR Convention), using the

text submitted by Sweden and developed in September at an informal group meeting, and to submit these amendments to MSC 77 for approval.

5. The MSC heard a number of statements on the sinking, due to structural failure, of the Bahamas flag tanker *Prestige* off the coast of Spain, which resulted in serious pollution to the Spanish coast. The Committee agreed to include places of refuge for ships in need of assistance as a specific agenda item for MSC 77.
6. The Russian Federation informed the MSC that in October new restrictions on transit through the Turkish Straits had been introduced by Turkey, which have created a significant delay for ships transiting the Straits. Russia indicated that it would submit a document on this matter at MSC 77. Turkey responded with a short statement indicating that all measures in place in the Turkish Straits are in line with international rules and regulations and are solely aimed at addressing safety and security in the Straits.
7. The Committee approved the report of the Secretary General regarding implementation of the STCW Convention by Bahrain, the United Arab Emirates, and Vanuatu. The Committee agreed that these three members have given full and complete effect to the provisions of the STCW Convention, as amended, and agreed to include them in the STCW “White List.” An MSC circular was approved with the updated “White List” that now includes 109 states party to the STCW Convention.
8. The MSC approved the report of DE 45 and took the following specific actions: (a) adopted an MSC resolution on standards for ship maneuverability; (b) approved an MSC circular on interim guidelines for wing-in-ground craft; (c) approved an MSC circular on guidelines for ships operating in Arctic ice-covered waters; and (d) approved an MSC circular regarding guidelines on the sampling method of thickness measurements for longitudinal strength evaluation and repair.
9. The Committee approved the report of FSI 10 and took the following specific actions: (a) approved an MSC circular on interim guidelines to assist flag states and other interested states to establish and maintain an effective framework for consultation and cooperation in marine casualty investigations; (b) approved an FSI proposal calling for appropriate amendments to IMO instruments regarding the completion date of the survey on which certificates are based; (c) endorsed the proposal and plan to task the FSI to develop a Flag State Implementation Code to satisfy the request of the 7th session of the Commission on Sustainable Development; and (d) agreed with the proposal to publish flag state comments on port state control ship detentions within the Equasis database.
10. The MSC approved the report of BLG 7 and took the following specific actions: (a) approved the criteria for assigning carriage requirements for products subject to the International Bulk Chemical (IBC) Code; (b) approved an MSC circular on recommendations for the use of a standard format for cargo information required by the IBC Code; and (c) agreed with the proposal to require mandatory marine safety data sheets for all Annex I substances under the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, (MARPOL Convention).

11. The Committee approved the report of NAV 48 and took the following specific actions: (a) adopted all new and amended traffic separation schemes and all ship routing and mandatory ship reporting systems proposed by NAV 48; (b) approved an MSC circular on guidance for integrated bridge systems; (c) authorized NAV 49 to finalize the guidelines on places of refuge for ships in need of assistance, along with the associated Assembly resolution, and to submit them directly to the 23rd Assembly (A 23); (d) adopted an MSC resolution on recommendations for the protection of the shipborne automatic identification system (AIS) VHF data link; and (e) approved proposed amendments to the SOLAS Convention regarding navigation bridge visibility for adoption at MSC 77.
12. The MSC approved the report of SLF 45 and took the following specific actions: (a) approved the proposed amendments to Annex B of the 1988 LL Protocol for adoption at MSC 77; (b) approved an MSC circular on interim guidelines for partially weathertight hatchway covers on containerships, subject to incorporation of input from the Fire Protection (FP) and DSC Subcommittees; (c) approved the interpretations of chapter 2 of the 2000 High Speed Craft (HSC) Code; and (d) approved an MSC resolution on the revised model test method regarding ro/ro passenger ships.
13. The Committee considered urgent matters of DSC 7 and took the following specific actions: (a) agreed in principle to an MSC circular on granting exemptions from the provisions of the International Maritime Dangerous Goods (IMDG) Code; (b) endorsed the DSC view not to amend the guidelines for the preparation of the Cargo Securing Manual; (c) agreed to instruct the DSC to continue development of a Manual on Loading and Unloading of Solid Bulk Cargoes for Terminal Representatives; and (d) agreed to instruct the DSC to discuss and provide a recommendation on whether ships loading and unloading grain should be included in the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code).

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C. International Maritime Organization (IMO), SOLAS Conference on Maritime Security

The Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS Conference) was held under the auspices of the IMO from December 9-13, 2002. The objective of the Conference was to enhance maritime security through the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS Convention) and the adoption of the International Ship and Port Facility Security (ISPS) Code. Attending the Conference were delegations from 108 SOLAS contracting nations, 2 IMO associate members, 2 national observers, 2 United Nations specialized agencies, 8 intergovernmental organizations, and 33 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State, the Department of Defense, the Transportation Security Administration, the Customs Service, the Maritime Administration, and a number of private sector advisers and Congressional observers. Admiral Thomas Collins, U.S. Coast Guard Commandant, headed the U.S. delegation.

The Conference was the culmination of a year of intensive work, which began at the November 2001 biennial IMO Assembly meeting. The United States provided most of the comprehensive proposals to increase maritime security and financed intersessional sessions of the Maritime Safety Committee (MSC) working group on maritime security in February and September 2002. Those sessions, in addition to regularly scheduled MSC sessions in May and December 2002, bridged differences on a number of key issues, leaving relatively few issues to be resolved at the Conference itself.

The Conference adopted a number of amendments to the SOLAS Convention, the most important of which incorporates the new ISPS Code. The ISPS Code contains detailed security-related requirements for governments, port authorities, and shipping companies in a mandatory section, together with a series of guidelines about how to meet requirements in a second, non-mandatory section. The Conference also adopted a series of resolutions designed to add weight to the amendments, encourage the application of the measures to ships and port facilities not covered by the Code, and pave the way for future work on maritime security.

Among significant SOLAS Convention amendments and ISPS Code provisions are the following:

1. Shipboard Automatic Identification Systems (AIS). The Conference adopted by overwhelming consensus the timetable calling for AIS installation on ships by the end of 2004.
2. Ship-to-Shore Alert Systems. The Conference adopted a requirement for ships to be equipped with a silent alert system to signal ashore that a security incident is occurring or imminent in order to facilitate coastal state response.
3. Port State Control. The amendments cover both ships already in port and ships intending to enter port. Port state control officers may verify that ships comply with the SOLAS Convention and ISPS Code requirements. Port state control officers may take appropriate measures in response to any deficiencies found, including denial of entry to, or expulsion from, a port.
4. Continuous Synopsis Record. Each ship is required to maintain a continuous on-board record of the history of the ship, e.g., information on its registry, ownership, identification number, and operational control, which will assist port state control officers in assessing the risks posed by the ship.
5. ISPS Code. The ISPS Code contains the details of maritime security. Part A contains mandatory provisions, while Part B contains non-mandatory guidance. Among topics addressed are: (a) three levels of security (normal, heightened, and exceptional) with the requirement that ship and port facility security plans contain specific measures to achieve the different security levels; (b) descriptions of the responsibilities, duties, and qualifications of the shipping company, port facility, and ship security officers; (c) guidance on control of ships in port, e.g., describing the grounds for determining when a ship is not in compliance with the applicable requirements; (d) the issuance of International Ship Security Certificates

after initial and renewal surveys to ships that comply with the SOLAS regulations and the ISPS Code; (e) the issues to be addressed by shipping company, port facility, and ship security plans and included in the security assessments used to develop the plans; and (f) the tasks that contracting governments may designate to recognized security organizations.

The SOLAS Conference adopted 11 resolutions as follows: (1) adoption of maritime security amendments to the SOLAS Convention; (2) adoption of the ISPS Code; (3) further work by the IMO pertaining to the enhancement of maritime security; (4) future amendments to the SOLAS Convention on special measures to enhance maritime safety and security; (5) promotion of technical cooperation and assistance regarding ship and port facility security, e.g., possible establishment of a Maritime Security Trust Fund; (6) early implementation of the special measures to enhance maritime security; (7) establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location, and fixed and floating platforms not covered by the amended SOLAS Convention; (8) enhancement of security in cooperation with the International Labor Organization (ILO), e.g., development of certified, verifiable seafarers' identity documentation; (9) enhancement of security in cooperation with the World Customs Organization (WCO); (10) early implementation of long-range ships' identification and tracking; and (11) human element-related aspects and shore leave for seafarers.

The SOLAS Convention amendments and the ISPS Code complement the provisions in the U.S.-enacted Maritime Transportation Security Act (Public Law 107-295) and will facilitate U.S. implementation of that legislation in an internationally acceptable manner.

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D. International Maritime Organization (IMO), Facilitation Committee (FAL)

The 30th session of the Facilitation Committee (FAL 30) was held at IMO Headquarters in London from January 27-31, 2003. The session was attended by delegations from 53 member governments, 1 associate member government, 1 United Nations specialized agency, 1 intergovernmental organization, and 16 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Immigration and Naturalization Service, the Customs Service, and two private sector advisers.

FAL 30 agenda items included the following: (1) status of the Convention on Facilitation of International Maritime Traffic (FAL Convention); (2) electronic means for the clearance of ships; (3) application of the Committee's guidelines; (4) general review of the FAL Convention, including harmonization with other international instruments; (5) prevention and suppression of acts of terrorism against shipping; (6) measures and procedures for the treatment of persons rescued at sea; (7) formalities connected with the arrival, stay, and departure of ships; (8) formalities connected with the arrival, stay, and departure of persons – stowaways; (9) ship/port interface; and (10) facilitation aspects of other IMO forms and certificates.

Among significant actions taken at FAL 30 are the following:

1. The Committee tasked the ship/port interface (SPI) working group, as a matter of urgency, to act on the recent Maritime Safety Committee (MSC) instructions to give preliminary consideration to: (a) the development, in cooperation with the Subcommittee on Standards of Training and Watchkeeping (STW), of training guidance, such as model courses for ship security officers, company security officers, port facility security officers, and company, ship, and port security personnel; (b) the review of the security aspects of ships to which chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention) applies when interfacing with floating production storage units and floating storage units; and (c) the need of any guidance to ensure the global, uniform, and consistent implementation of the provisions of SOLAS chapter XI-2 and the International Ship and Port Facility Security (ISPS) Code. The FAL noted the SPI working group's work and decided to pass the information on to the relevant IMO bodies.

The Committee also tasked the SPI working group to examine several non-security matters, including: (a) availability of adequate tug assistance; (b) development of a manual on loading and unloading of solid bulk cargoes for terminal representatives; and (c) development of guidelines for the training of port marine personnel. The FAL received the report of the working group on these matters before the conclusion of the session.

2. The Committee charged a working group to identify administrative procedures for disembarkation of persons rescued at sea. The need to minimize the administrative burden on a commercial vessel master in collecting information on persons rescued at sea was weighed against the need of shoreside authorities for significantly detailed information to facilitate processing of rescued persons on disembarkation. The working group agreed, in general, that there was no need for a standardized reporting form for information but that a checklist provided as guidance for the master to use in meeting shoreside information needs may be helpful.

The Committee also discussed the issue of additional requirements being placed on the master after exercising responsibilities in assisting people in distress at sea. The FAL was encouraged to discern that the procedures for disembarkation of professional mariners in distress is not the focus of this issue. Instead, the focus should be on those persons that may be considered either refugees or illegal migrants, and the procedures for facilitating the disembarkation of these people should be the Committee's goal.

3. The Committee tasked a working group to consider relevant aspects of facilitation of maritime traffic in the context of maritime security. Specific attention was drawn to port arrivals and departures, standardized reporting forms, and electronic data exchange. The working group concluded that increased maritime security activity could serve to benefit authorities in achieving greater efficiency in handling maritime traffic. It was suggested that the Committee should promote the concept of single-window data submission, thereby enabling a vessel to provide a standard set of information only once. Multiple government agencies would have access to all relevant vessel arrival information without multiple submissions by the vessel. The working group determined to review the FAL forms and

compare them with the World Customs Organization (WCO) cargo report data set and various security-related forms and information. The working group also reviewed IMO Assembly resolution A.872(20) and determined that it would be beneficial to further consider this review at FAL 31.

4. The FAL tasked a working group to prepare a draft circular and questionnaire to obtain up-to-date information from contracting governments identifying the differences between their practices and the FAL Convention standards and recommended practices. The circular is intended to emphasize real differences, and governments will be invited to submit detailed reasons for these differences. In order to better understand what is inhibiting some IMO member governments from becoming signatory to the FAL Convention, the questionnaire is to be distributed to these governments also, and their responses collected and collated separately. The working group considered the development of an explanatory manual to the FAL Convention in order to increase the level of understanding of standards and recommended practices and to serve as a way to promote best practices. The group agreed to work intersessionally through a correspondence group to compile a general outline of the proposed manual.

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